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FILED

DECEMBER 20, 2004

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SURRENDER :
OF THE LICENSE OF

AUGUST L. WREIOLE, D.O.
License No. MB 34165

TO PRACTICE MEDICINE AND
SURGERY IN THE STATE OF
NEW JERSEY

Administrative Action
INTERIM CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter the "Board"), upon receipt of information that August L. Wreiole, D.C. (hereinafter the "Respondent"), had been arrested on October 25, 2004, by the Long Branch Police Department and was criminally charged with one (1) count of Possession of a Controlled Dangerous Substance, to wit cocaine, in violation of N.J.S.A. 2C:35-10a;.

Respondent now seeks leave to voluntarily surrender his license to practice medicine and surgery in the State of New Jersey pending the disposition of the criminal matter and a subsequent appearance before the Board, or a Committee thereof.

The Board finding that this resolution is adequately protective of the public interest and respondent understanding that

CERTIFIED TRUE COPY

he is to **completely refrain** from the practice of medicine and surgery in the State of New Jersey ~~for~~ the period of time identified **herein**,

IT **IS**, therefore, on this **20TH** day of **DECEMBER** 2004;
ORDERED AND AGREED that:

1. Respondent, August L. Wreiole, D.O. is hereby **granted** leave to voluntarily **surrender** his License to practice medicine and surgery in the State of New Jersey **pending** disposition of the criminal matter as **alleged** herein and a **subsequent** appearance before the Board, effective **immediately**.

2. Respondent **shall** immediately return his **original** New Jersey **medical license**, current biennial registration and his original CDS registration to William Roeder, Executive Director of the New Jersey State Board of Medical Examiners, 140 E. Front Street, Second Floor, P.O. Box 183, Trenton, New Jersey, 08625-0183.

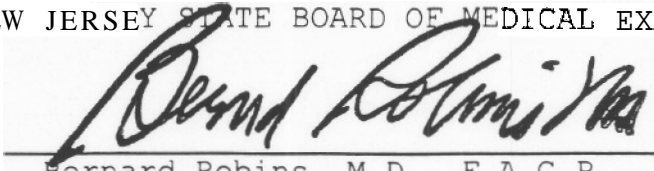
3. **In** connection with Respondent's voluntary surrender, Respondent shall comply with the "Directives Applicable to Any Medical Board **Licensee** whose Surrender of Licensure has been **Accepted**", which is attached hereto and made a part hereof.

4. Nothing contained herein shall **be** deemed an admission of liability **on the** part of the Respondent. Nothing contained herein **shall** restrict or limit the Attorney General from further

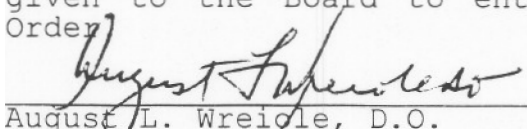
investigation and prosecution of this **matter** before the Board.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

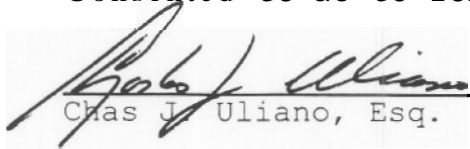
By:


Bernard Robins, M.D., F.A.C.P.
President

I **have read** and understood the
within Order and **agree to be bound**
by its terms. Consent is hereby
given to the Board to enter this
Order.


August L. Wreigle, D.O.

Consented to as to form and entry


Chas J. Uliano, Esq.

DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the addendum to these directives. The information provided will **be** maintained separately and will not **be part of** the public document filed with the **Board**. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. **Paragraphs 1 through 4** below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08646-0183, the original license, current biennial registration **and**, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the **conclusion** of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the **conclusion** of the term, the licensee should contact the DES: to advise of the resumption of practice **and** to ascertain **the** impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the **practice** of medicine in this State. This prohibition not only **bars** a licensee from rendering professional services, **but** also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using **office** space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent a fair market value **office** premises and/or equipment. **In no** case may the disciplined licensee authorize, allow or condone the **use** of his/her provider number **by** any health care practice or any other licensee or health care provider. (In situations where the licensee has **been** suspended for **less than** one year, the licensee may accept payment from another professional who is using his/her **office** during the period that the licensee is suspended, for the payment of salaries for **office** **staff** employed at the time of the Board action.)

A licensee whose license has been revoked, **suspended** for one (1) year or more or permanently surrendered must remove signs **and** take affirmative action to stop advertisements **by** which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name **is** utilized in a group practice title, it shall **be** deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must **be** removed and returned to the manufacturer, if possible, destroyed or safeguarded (in situations where a license has been suspended for less than one year, prescription pads and medications need not **be** destroyed *but* must be secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services **lawfully** rendered **and** disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall **be** deemed to **be** disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the *the* entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating **that** the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must **be** dissolved within 90 days of the licensee's disqualification.

4. Medical Records

If as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the *three* (3) month period following the effective date of the disciplinary order, a message will **be** delivered to patients calling the former office premises, advising where records may be obtained. The message should **inform** patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also **be** disseminated **by** means of a notice to **be** published at least once per month for *three* (3) months in a newspaper of general circulation in the geographic vicinity in which **the** practice **was** conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall **be** promptly reported to the Board. When a patient or his/her representative requests a copy of his/her

medical record or asks that record **be** forwarded to another health care provider the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring **Conditions**

With respect to any licensee who is the subject of any Order imposing **a** probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board **and** its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall **be** at the **expense** of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises **and** equipment, and Inspection **and** copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted **by** law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate **by** responding to *a demand* for breath, **blood**, urine or other sample in a timely manner and providing the designated sample.

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry **be made** concerning the status of a licensee, the inquirer **will be** informed of the existence of the order **and** a copy will **be provided** if requested. All evidentiary hearings, proceedings on motions or other applications which **are** conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated *to* report to the National Practitioners Data Bank any action relating to a physician which is **based** on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license.
- (2) Which censures, reprimands *or* places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR, Section 61.7, the Board is obligated *to* report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the **provider, supplier, or practitioner, whether by** operation of **law**, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, *if the* Board *refuses to* issue, **suspends, revokes** or otherwise places conditions **on** a license or permit, it is obligated to notify **each licensed** health care facility and health maintenance organization **with** which a licensee is affiliated **and** every other **board** licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with *the* Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided *to* that organization on a monthly **basis**.

Within ~~the month~~ following entry of an order, a summary of the order **will appear on** the public agenda for the next monthly Board meeting and *is* forwarded to those members of the **public** requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also **made** available to those requesting a copy.

Within *the* month following **entry** of an order, a summary of the order **will** appear in a Monthly Disciplinary Action Listing which is made *available* to those members of the public requesting a copy.

On a periodic basis the Board *disseminates* to its licensees *a* newsletter which *includes* a brief description of all of *the* **orders** entered **by** the Board.

From time to *time*, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.